

Attorney Docket No. CAF-28502/03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ralph Barclay Ross

Serial No.: 09/889,834

Group Art Unit: 3612

Filed: November 28, 2001

Examiner: Stephen T. Gordon

For: CARGO HANDLING APPARATUS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement dated April 28, 2003, Applicant elects the Group I claims (1-26) for further prosecution. Applicant also cancels unelected claims 27-29, but these claims may be the subject of divisional applications during the pendency of the present application.

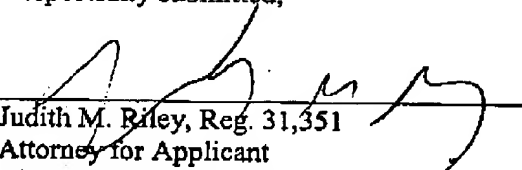
With regard to the requirement to restrict the invention to a single species, Applicant elects with traverse the crossbar shown in Figure 8. Applicant respectfully points out to the examiner that the elastomeric jacketed crossbar depicted in Figure 8 does not represent an alternative to anything depicted in Figure 2 (which does not depict a crossbar), but is intended to be added to the Figure 2 structure. Figure 2 shows a plan view of a frame member, within which are received elongate members such as drill pipe, alternated with padded crossbars such as those of Figure 8. Finally, a top member or tie down bar as shown in Figure 7 may be added to the frame to retain the drill pipe and crossbars in position. Applicant therefore submits that each of these figures depicts separate components of the invention. Figure 2 does not show a bar member at all, but a frame member within which crossbars and top members are received.

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That being the case, Figure 1 (which recites a packing member having a deformable portion) is readable on claim 1, as are all of the claims dependent thereon. In other words, the "species" depicted in Figure 8 reads upon all of the Group I claims, namely claims 1-26. Applicant cannot further restrict the claims because Figure 8 actually discloses the only depicted embodiment of the deformable portion required by claim 1.

Should the examiner have any questions or comments regarding this response to the restriction requirement, he is respectfully requested to contact the undersigned attorney at the office number below.

Respectfully submitted,



Judith M. Riley, Reg. 31,351
Attorney for Applicant
Gifford, Krass, Groh, Sprinkle,
Anderson & Citkowski, P.C.
280 N. Old Woodward, Suite 400
Birmingham, MI 48009
(248) 647-6000

Dated: 5/23/03

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CERTIFICATE UNDER 37 CFR 1.8(a)

I hereby certify that this correspondence is being sent to the United States Patent Office via facsimile (703-872-9326) on May 23, 2003.



Sharon Kaiser

Examiner Stephen Gordon
Group Art Unit: 3612

GIFFORD, KRASS, GROH, SPRINKLE,
ANDERSON & CITKOWSKI, P.C.
280 North Old Woodward Avenue, Suite 400
Birmingham, Michigan 48009-5394

(248) 647-6000
FACSIMILE (248) 647-5210
Info@patlaw.com

SK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ralph Barclay Ross

Attorney Docket: CAF-28502/03

Serial No.: 09/889,834

Group Art Unit: 3612

Filed: 11/18/01

Examiner: Stephen Gordon

Title: CARGO HANDLING APPARATUS

TO: Examiner Stephen Gordon

FROM: Judith M. Riley

PAGES: 3

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GROUP 3600

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DOCUMENT(S) BEING FAXED: Response to Restriction Requirement dated 4/28/03;

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this document for Application Serial Number 09/889,834 is being facsimile transmitted to the Patent and Trademark Office fax number 703-872-9326, Attention Examiner Stephen Gordon, Group 3612, on May 23, 2003.


Sharon Kaiser

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